

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUL 30 2008


CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUIS FLORES-RODRIGUEZ,

Defendant.

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CR 08-40113

ORDER FIXING DATES

Counsel for Defendant has filed a First Motion to Continue, Doc. 16, requesting the Court to continue the dates currently in force for filing motions, the motion hearing, the plea deadline, and jury trial for a period of thirty (30) days, and the Government has no objection; and

An initial appearance and arraignment on an Indictment was held on July 29, 2008, with the Plaintiff appearing by Constance Larson, Assistant United States Attorney, and the Defendant Luis Flores-Rodriguez appearing in person and with William A. Delaney III, appearing for his attorney, Timothy Langley; and

It appearing necessary that the court fix motion and trial dates in order to comply with the Speedy Trial Act, 18 U.S.C. § 3161,

IT IS ORDERED:

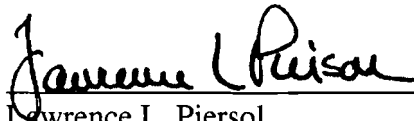
1. That the following general discovery rules shall apply to this case:
 - A. Upon request of the Defendant, the Plaintiff shall forthwith comply with Rule 16(a)(1)(A), (B), (C) and (D).
 - B. If the Defendant requests disclosure under Rule 16(a), such Defendant shall, upon request of the Plaintiff, forthwith comply with Rule 16(b).
 - C. The Plaintiff shall disclose to the Defendant any exculpatory material discoverable under Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) two weeks before trial.

D. Any written statements of Plaintiff's witnesses discoverable under the Jencks Act, 18 U.S.C. § 3500, shall be furnished to the Defendant on the Friday preceding trial.

2. That Defendant's First Motion to Continue, Doc. 16, is granted in part and denied in part.
3. That all other motions as to all Defendant herein be filed and served on or before August 11, 2008; that opposing counsel respond thereto on or before August 15, 2008; and that a hearing thereon will be held before The Honorable John E. Simko, in Sioux Falls, South Dakota, on Thursday, August 21, 2008, at 1:30 P.M.; and the Court will not consider a stock motion for leave to file further motions, however, the Court will consider a motion filed by a party after the deadline if the party can show good cause as to why the motion was late filed.
4. That August 25, 2008, is hereby set as the deadline for submission to the Court of any proposed plea agreement.
5. That all motions in limine shall be in writing and filed, together with proposed instructions, with the Court ten (10) working days before trial.
6. That the jury trial herein for Defendant shall commence in Sioux Falls, South Dakota, on Tuesday, September 30, 2008, with counsel to be present for motions in limine at 9:00 A.M., and with the jury to report at 9:30 A.M.
7. That the dates herein may be modified upon good cause shown.

Dated this 30th day of July, 2008.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY: 
DEPUTY